

X AA = appropriate action - Head's up.  
Since this is addressed to Ken Salazar,  
we will probably be seeing this  
come through to us in DTS in  
the near future. Lori

RD/DRD  
ES - AA  
D. Rothstein



CENTER for BIOLOGICAL DIVERSITY

Because life is good.

June 23, 2010

JUN 25 2010

Mr. Kenneth Salazar  
Secretary of the Interior  
U.S. Department of the Interior  
18<sup>th</sup> and C Streets, N.W.  
Washington, D.C. 20240

Regional Director's Office

RE: Sixty-day notice of violation of section 4(b)(3)(A, and B) and (6)(A) of the Endangered Species Act, relating to a petition to list the Eastern Small-footed Bat (*Myotis leibii*) and the Northern Long-eared Bat (*Myotis septentrionalis*) as endangered species.

Dear Secretary Salazar:

This letter serves as a sixty-day notice from the Center for Biological Diversity and Mollie Matteson of intent to sue Secretary Salazar over violation of the Endangered Species Act ("ESA"), 16 U.S.C. §§ 1531-1544, by failing to take action required by section 4(b)(3)(A, and B) and 6(A and C), concerning a petition to list the Eastern Small-footed Bat (*Myotis leibii*) and the Northern Long-eared Bat (*Myotis septentrionalis*) as endangered species and to designate critical habitat. 16 U.S.C. § 1533(b)(3)(A, and B) and (6)(A). This letter is being provided to you pursuant to the 60-day notice requirement of the citizen suit provision of the ESA. 16 U.S.C. § 1540(g)(2)(C).

The petition to list the bats as endangered species was filed with the U.S. Fish and Wildlife Service (USFWS) on January 21, 2010. ESA section 4(b)(3)(A) requires that within 90 days of receiving a petition, the Secretary make a finding as to whether the petition presents substantial scientific or commercial information indicating that the petitioned listing may be warranted. 16 U.S.C. § 1533(b)(3)(A). Accordingly, the 90-day finding was due on or about April 21, 2010. To date, the Secretary has failed to make this finding, in violation of the ESA.

If the Secretary does not make the required finding for the Eastern Small-footed Bat and Northern Long-eared Bat within the next sixty days, we intend to file suit. Please contact me if you have any questions or if you would like to discuss this matter.

Sincerely,

Mollie Matteson, Conservation Advocate  
Center for Biological Diversity  
PO Box 188, Richmond, VT 05477

CC: Marvin Moriarty, Regional Director, U.S. Fish and Wildlife Service